

United States Senate
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FCC Mail Room

The Honorable Penny Pritzker
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

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Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Secretary Pritzker and Chairman Wheeler:

I write today regarding a serious problem that continues to face our nation's prisons: the persistent use of cell phones smuggled inside prison walls. Illegal cell phones allow criminals across the country to continue breaking the law and commit crimes from the inside. We must put a stop to this activity.

Fortunately, we have the technology at our fingertips to prevent this type of crime. Cell phone jamming is a technology that has evolved greatly over recent years. It is now so refined that certain rooms in buildings can be targeted. Jamming was relied on heavily as a tool to protect our troops in Iraq and Afghanistan. If cell phone jamming can keep our troops safe abroad, then it can and should be used to keep our communities safe here at home.

In 2009, I asked the National Telecommunications and Information Administration (NTIA) to conduct a cell phone jamming demonstration to test for effectiveness and any potential unintended results. That study, conducted at the Bureau of Prisons facility in Cumberland, Maryland, showed no interference of the jamming technology with federal operations of the prison within the testing area – proof positive that we can jam criminals and protect communities.

I am requesting that NTIA and FCC work together with the state of Maryland to conduct another demonstration. The 2009 test made clear that it was possible this jamming technology could work. Because the technology has progressed tremendously in the years since the last test, I request that this new demonstration test the technology at a more in-depth level so that we can more thoroughly understand to what extent, if any, cell phone jamming interferes with other operations. I believe careful implementation of this technology would give our prisons a limited yet highly effective tool to combat crime and help keep prisoners on the inside from contributing to crime on the outside. I ask you to consider this request without delay so that our prisons can immediately begin protecting our communities by implementing this technology.

I look forward to your response.

Sincerely,

Barbara A. Mikulski
United States Senator



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 7, 2014

The Honorable Barbara A. Mikulski
United States Senate
503 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Mikulski:

Thank you for your recent letter expressing concerns about the problem of contraband wireless devices in correctional facilities. I commend you for your leadership in this area and agree that prisoners' use of wireless devices to engage in criminal activity while incarcerated poses a serious security challenge to correctional facility administrators, law enforcement authorities, and the general public. The Commission is committed to facilitating lawful technological solutions that combat contraband use while protecting legitimate communications, including the public's ability to access 911 in emergencies.

In your letter, you request that the Department of Commerce's National Telecommunications and Information Administration (NTIA) and the Commission, working with the state of Maryland, conduct a demonstration of cell phone jamming technology as a potential means of combatting contraband cell phone use. You note that NTIA, which manages the federal government's use of spectrum, conducted such a demonstration in 2009 at the Federal Bureau of Prisons facility in Cumberland, Maryland. The Communications Act, under which the Commission operates, expressly prohibits any person from willfully or maliciously interfering with the radio communications of any station licensed or authorized under the Act or operated by the U.S. government.¹ Accordingly, because radio signal jammers are used to willfully interfere with radio communications of such licensed or authorized stations, jammers are not permitted under the Commission's rules.²

Recognizing the importance of this public safety matter, however, the Commission is facilitating the development of alternative technological solutions that can be used by correctional facilities to combat the use of contraband wireless devices. Specifically, the

¹ 47 U.S.C. Section 333 ("No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this chapter or operated by the United States Government").

² See, e.g., 47 C.F.R. Section 2.915(a)(1) (providing, as a required element for granting an application for equipment certification, that the Commission find that the equipment be "capable of complying with pertinent technical standards of the rule part(s) under which it is to be operated") *Id.* Section 2.919 (requiring denial of certification application if Commission is unable to make the requisite Section 2.915(a) findings). Note that in none of the FCC rule parts has the Commission authorized the operations of jammers or prescribed technical standards for their operation. See also 47 U.S.C. Section 302a (authorizing Commission to promulgate regulations that govern the interference potential of devices that are capable of emitting a sufficient amount of RF energy to cause harmful interference to radio communications).

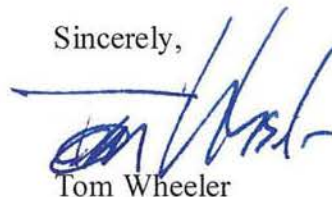
Commission initiated a rulemaking last year that proposes to streamline the process for deploying such technologies, including managed access and detection-based systems.³ The Commission has been working with the Maryland Department of Public Safety and Correctional Services (DPSCS) to provide the authorizations necessary for DPSCS to conduct trials of various non-jamming technologies, including at a decommissioned correctional facility in Jessup, Maryland, and a real-world study of non-jamming technologies in three commissioned correctional facilities. These non-jamming technologies allow prison authorities to identify devices in corrections facilities and, with some technologies, actively prevent calls or transmissions originating from contraband devices from connecting to wireless networks while allowing legitimate calls or transmissions to be completed.

Based on work with the Commission, the Maryland DPSCS issued a Request for Proposals for the installation of managed access and detection systems in all of its prisons and granted a contract to a vendor to install managed access systems in several Baltimore facilities, including the Metropolitan Transition Center, the Baltimore City Detention Center, and the Jail Industries Building. The Commission authorized the vendor to deploy managed access systems at these Baltimore correctional facilities. The Commission has already authorized the deployment of managed access systems in correctional facilities in California, Mississippi, South Carolina, Texas, and Georgia.

The Commission will continue its work to fight this pernicious activity, including working with you and the state and local officials to find lawful, effective solutions. Your views will be included in the record of the rulemaking proceeding and considered as part of the Commission's review.

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a horizontal line.

Tom Wheeler

cc: The Honorable Penny Pritzker
Secretary of Commerce

The Honorable Lawrence E. Strickling
Assistant Secretary for Communications and Information
U.S. Department of Commerce

³ *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities*, Notice of Proposed Rulemaking, GN Docket No. 13-111, 28 FCC Rcd 6603 (2013).